

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No.: **CV 23-09702 WDK-SSC**

Date **April 16, 2024**

Title: *Oscar Magallanes v. Raj Syal, et al.*

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Present: The Honorable **WILLIAM D. KELLER, United States District Judge**

Daniel Tamayo
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: [IN CHAMBERS] ORDER TO SHOW CAUSE RE:
DISMISSAL FOR LACK OF PROSECUTION**

Plaintiff Oscar Magallanes is **ORDERED** to show cause why this case should not be dismissed for lack of prosecution. *Link v. Wabash R. Co.*, 370 U.S. 626 (1962) (Court has inherent power to dismiss for lack of prosecution on its own motion).

The below time period has not been met. Accordingly, the Court, on its own motion, orders Plaintiff to show cause, in writing, **on or before MAY 1, 2024**, why this action should not be dismissed for lack of prosecution. This matter will stand submitted upon the filing of Plaintiff's response. *See Fed. R. Civ. P. 78*. Failure to respond will be deemed consent to the dismissal of the action.

Plaintiff obtained entry of default as to Defendant Darush Babai, as Trustee of The Babai Trust, pursuant to Fed. R. Civ. P. 55(a), but Plaintiff has not sought default judgment, pursuant to Fed. R. Civ. P. 55(b). Plaintiff can satisfy this order by seeking default judgment or by notifying the Court that default judgment will not be sought, at which point the clerk will close this matter.

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It is plaintiff's responsibility to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, plaintiff must also pursue Rule 55 remedies promptly upon the default of any defendant. All stipulations affecting the progress of the case must be approved by the Court. *See* Local Rule 8.3.

No oral argument on this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff is due. Plaintiff's counsel is ordered to serve this minute order on all defendants.

IT IS SO ORDERED.